

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 ROBERT S. LEACH (CABN 196191)
Assistant United States Attorney

5 1301 Clay Street, Suite 340S
6 Oakland, California 94612
7 Telephone: (510) 637-3680
8 Fax: (510) 637-3724
Email: Robert.Leach@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)	Case No. CR 18-577 CRB
)	
14 Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	
15 v.)	
)	
16 STEPHEN KEITH CHAMBERLAIN,)	
)	
17 Defendant.)	
)	
18 _____)	

19 **STIPULATION**

20 WHEREAS, on November 29, 2018, the Grand Jury returned an Indictment against Stephen
21 Keith Chamberlain, a resident of the United Kingdom [ECF No. 1];

22 WHEREAS, on February 4, 2019, defendant Chamberlain (“the defendant”) appeared before the
23 Court (with counsel specially appearing), was arraigned on the Indictment, and pleaded not guilty to all
24 counts;

25 WHEREAS, on March 21, 2019, the Grand Jury returned a Superseding Indictment against
26 Chamberlain [ECF No. 21];

27 WHEREAS, on November 13, 2019, the Court conducted a status conference; the Court ordered
28 the government and defense counsel to meet and confer regarding and draft a proposed order clarifying

STIPULATION AND [PROPOSED] ORDER
CASE NO. CR 18-577 CRB

1 the terms of the release bond, which was the subject of an ex parte application filed by the defendant on
2 September 3, 2019; the Court ordered the State Department to file a declaration by December 1, 2019,
3 outlining the deadlines of the extradition proceedings for co-defendant Michael Richard Lynch; the
4 Court set a further status conference for February 12, 2020; and the Court excluded time under the
5 Speedy Trial Act from November 13, 2019, through February 12, 2020 [ECF Nos. 44 & 45];

6 WHEREAS, on December 1, 2019, the government filed its Submission in Response to the
7 Court's November 13, 2019 Order, attaching a declaration from an attorney-adviser with the U.S.
8 Department of State that "the United States Embassy in London formally submitted a request for the
9 extradition of Michael Richard Lynch to the United Kingdom on 21 November 2019" [ECF No. 49];

10 WHEREAS, on December 12, 2019, the parties filed and the Court issued a Stipulation and
11 Order Clarifying Conditions of Bond for Defendant Stephen Chamberlain [ECF No. 52];

12 WHEREAS, on January 23, 2020, the Court entered a protective order respecting certain
13 discovery;

14 WHEREAS, on January 27, 2020, the government produced a substantial volume of discovery to
15 the defendant, including materials subject to the protective order;

16 WHEREAS, the government is advised that on February 5, 2020, co-defendant Lynch made an
17 initial appearance before a court in the United Kingdom, which set conditions of release and ordered a
18 case management hearing for March 10, 2020;

19 WHEREAS, a conflict has arisen for counsel for the defendant on February 12, 2020;

20 WHEREAS, the parties have conferred and respectfully request that the Court continue the
21 February 12, 2020 status conference to April 15, 2020, at 1:30 p.m.

22 WHEREAS, the parties stipulate and agree that an exclusion of time under the Speedy Trial Act
23 from November 13, 2019, to April 15, 2020, is appropriate due to the complexity of the case, the need
24 for defense counsel to review relevant evidence including recently produced discovery, consult with the
25 defendant in the United States, and effectively prepare, and (for the period November 13 through
26 December 12, 2019) the pendency of the defendant's ex parte application;

27 THEREFORE, the parties stipulate and agree, and respectfully request that the Court order, that
28 the status conference and hearing currently scheduled for February 12, 2020, be continued to April 15,

2020, at 1:30 p.m. The parties stipulate and agree that excluding time from November 13, 2019, to April 15, 2020, will allow for the effective preparation of counsel given the complexity of the case. *See* 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The parties further stipulate and agree that the ends of justice served by excluding the time from November 13, 2019, to April 15, 2020, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv). The parties further stipulate and agree that time between November 13, 2019, and December 12, 2019, is appropriately excluded based on 18 U.S.C. § 3161(h)(1)(D) based on the filing of the September 3, 2019 ex parte application. The parties stipulate and agree the Court shall enter the proposed order below.

IT IS SO STIPULATED.

DATED: February 5, 2020

DAVID L. ANDERSON
United States Attorney

/s/

ROBERT S. LEACH
Assistant United States Attorney

DATED: February 5, 2020

BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS, LINCENBERG, & RHOW,
P.C.

/s/

ARIEL A. NEUMAN
Attorneys for Defendant Stephen Chamberlain

[PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court, and for good cause shown, the status conference currently scheduled for February 12, 2020, shall be continued to April 15, 2020, at 1:30 p.m. The Court finds that failing to exclude the time from November 13, 2019, through April 15, 2020, would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the complexity of the case. 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The Court further finds that the ends of justice served by excluding the time from November 13, 2019, through April 15,

2020, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds that time from November 13, 2019, through December 12, 2019, is appropriately excluded based on 18 U.S.C. § 3161(h)(1)(D) based on the filing of the September 3, 2019 ex parte application. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from November 13, 2019, through April 15, 2020, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv).

IT IS SO ORDERED.

DATED:

THE HONORABLE CHARLES R. BREYER
United States District Judge